

WATER COUNCIL MEETING

WebEx Virtual Meeting
Concord, N.H.

June 10, 2020
9:00 a.m.

Members present: Chairman Gilbert Councilors: Boisvert, Butler, Croasdale, DeCurtis, Gegas, Geisser, Henderson, O'Brien, Rawnsley, Spaulding, and Tremblay

Members absent: Councilors Hardy, Joubert, and

Also present were Carolyn Guerdet, Council Clerk and Paula Scott, Appeals Clerk

Chairman Gilbert called the meeting to order at 9:00 a.m. with the reading of the "Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency". He then completed a roll call of those in attendance whose names are listed above.

1. Approval of Minutes of the March 11, 2020 Meeting

- ***Councilor Butler made a motion to accept the March 11, 2020 minutes, second by Councilor Tremblay. Motion passed unanimously with a roll call vote. Councilors Croasdale and Rawnsley abstained.***

2. Status of Appeals

Paula Scott, Appeals Clerk

I. New Appeals

Docket No. 20-06 WC – Matthew & Laura Graves, et al. Fogg Appeal

Subject: 4/2/20 Approval of AoT-1780 permit, issued to Dale White

Hearing Officer: Not assigned

Status: April 30, 2020 received Notice of Appeal. May 4, 2020 issued Receipt of Appeal Letter. 5/5/20 issued CORRECTED Receipt of Appeal letter correcting Council meeting date. 5/11/20 received Leighton A. White, Inc.'s Motion to Intervene. June 2, 2020 received withdrawal as a Party from Tina Vallier. Council voted to accept the Appeal.

- ***Councilor Tremblay made a motion to accept the Appeal, second by Councilor Butler. Motion passed with a roll call vote with one nay. Councilor Henderson recused herself.***

Docket No. 20-04 WC – Biological recycling Co., LLC et al. Appeal

Re: 2/7/20 Administrative Order No. 20-004 WD

Hearing Officer: Not assigned

Status: March 9, 2020 received Notice of Appeal. 3/12/20 issued insufficient Appeal letter. 3/23/20 received revised Notice of Appeal. 3/26/20 issued Receipt of Revised Appeal letter. May 14, 2020 received Appearance of Heather Neville. Council voted to accept the Appeal

- ***Councilor Henderson made a motion to accept the Appeal, second by Councilor O'Brien. Motion passed with a roll call vote with one nay and with Chairman Gilbert and Councilors Geisser and Rawnsley recusing themselves.***

II. Decisions and Orders that need to be written finalized and issued.

Docket No. 18-09 WC Rae-Ann Melacon and Suzanne Fournier Appeal

Re: June 18, 2018 approval of Alteration of Terrain Permit No. AoT-1437 issued to Leighton A. White, Inc.

Hearing Officer: David Conley, Esq., assigned on 9/17/18

Recusals: Councilor Henderson

Status: July 5, 2018 received Notice of Appeal. Council accepted Appeal September 12, 2018. . 4/12/19 issued Notice of Rescheduled Hearing from May 8th to August 14, 2019 at 9 a.m. Hearing is rescheduled to September 11, 2019 at 9 a.m. Hearing was held September 11, 2019 at 9 a.m. and was continued to October 9, 2019 at 9:30 a.m. 9/20/19 received State's Assented to Motion to Continue Hearing. 9/25/19 issued ruling granting State's Assented-to Motion to Continue Hearing and rescheduling it for January 8, 2020 at 9 a.m. January 27, 2020 issued Final Order Granting Appeal. February 26, 2020 received Appellants' Motion for Rehearing. March 3, 2020 received State's Objection to Motion for Rehearing. 3/5/20 received Appellants' Notice of Withdrawal of First and Second Grounds of Aggrievement.

- ***Councilor O'Brien made a motion to accept the Motion for Rehearing, second by Councilor Geisser. Motion passed with a unanimous roll call vote of those who were in attendance at the original hearing.***

III. Hearings or PHCs Pending**Docket No. 19-16 WC (PNA) – Midlands Investments, LLC Appeal**

Subject: 0711/19 Denial of AoT permit application #181224-189

Hearing Officer: David Conley, Esq., assigned on 10/11/19

Status: September 23, 2019 received Petition for Appeal and Assented-To Motion to Stay. 9/26/19 issued Receipt of Appeal letter. Council accepted Appeal today, 10/9/19. October 11, 2019 issued Appeal accepted letter. 10/23/19 issued letter granting Assented-To Motion to Stay and scheduled PHC for December 2, 2019 at 9 a.m. 12/2/19 issued Pre-hearing Order scheduling a second PHC for January 6, 2020 at 9 a.m. and Hearing for February 12, 2020 at 9 a.m. 12/19/19 received Assented-To Motion to Stay. 12/19/19 issued letter granting Assented-To Motion to Stay and rescheduled Hearing for June 10, 2020 at 9 a.m. 12/23/19 received Withdrawal of Counsel- Dana Bisbee. January 6, 2020 received Appearance from Allen Brooks. May 15, 2020 issued Hearing Cancelled Notice and request for status report by June 15th.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal**3. New Business****4. Old Business****5. Next Meeting**

September 9, 2020

6. Adjournment

- ***Councilor Butler made a motion to adjourn, second by Councilor Tremblay. Motion passed unanimously.***

Meeting was adjourned at 9:32 a.m.

